THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17599 of 2000

Dated : 27.06.2007

Between:

Inder Karan S/o late Moti Lal

… **PETITIONER**

And:

The District Collector, Hydeabad District,
Nampally Station Road, Hyderabad and others.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.17599 of 2000

ORDER:

This writ petition is filed seeking to declare the notification dated 21.03.2000 issued by the first respondent under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") proposing to acquire an extent of 52.63 square yards of land forming part of T.S.No.6/2, Ward No.158, Block-B in premises bearing No.1-9-1122/12-16, Vidyanagar, Hyderabad, as illegal and arbitrary and consequently direct the respondents to follow the guidelines issued by the Government for acquiring lands for road widening by duly permitting the parties to have additional Floor Area Ratio (FAR) in view of surrender of land at free of cost.

The case of the petitioner, succinctly, is as follows. Petitioner is the owner and possessor of premises bearing No.1-9-1122/12-16 totally admeasuring 200 square meters, situated at Vidyanagar,

Hyderabad, forming part of T.S.No.6/2, Ward No.158, Block-B Vidyanagar. While so, in the year 1997, respondents acquired an extent of 950 square yards of the land from the petitioner for the purpose of road widening promising the petitioner that the FAR would be increased. Now his grievance is that, without increasing the FAR, respondents have again issued the impugned notification proposing to acquire 52.63 square yards out of the said extent. Hence, this writ petition.

During the course of hearing, learned counsel appearing for the petitioner, Sri P.R.Prasad, submitted that the petitioner has no objection to surrender the land in question free of cost, provided FAR, as provided in G.O.Ms.No.483 dated 24.08.1998, is increased.

Learned Standing Counsel, Smt. Kalpana Ekboke, appearing for the respondents, fairly conceded that the Corporation has no objection for considering the case of the petitioner.

In the light of the said submissions, as the petitioner has come forward to offer the land in question free of cost, this Court is of the view that the proceedings initiated under the Act proposing to acquire the land in question are not required.

Accordingly, while quashing the notification dated 21.03.2000 issued under Section 4(1) of the Act and the consequential proceedings initiated under the Act, the Commissioner, Greater Municipal Corporation of Hyderabad, is hereby directed to consider the case of the petitioner in terms of G.O.Ms.No.483 dated 24.08.1998 and increase the FAR in terms of the said Government Order.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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27.06.2007

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